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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,720	11/30/2001	James L. Baggot	KCX-444 (16145)	4084

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EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/997,720	<b>Applicant(s)</b> BAGGOT ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicants cancellation of non elected claims on paper # 08092004 acknowledged.

### ***Claim Objections***

Claims 27-31 are objected to because of the following informalities:

Applicants need to re-number claims 27-31 as 29-33. Note, that claims 22-28 were canceled on paper number 10302003, therefore, claims 27-31 should be renumbered to 29-33. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14, 18-21, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Saunders et al. (4,672,168).

Saunders discloses system for perforating a web, the system comprising a web conveying means (Fig. 1; via 21 and column 4, lines 8-16) adapted for supporting and conveying a web, the web having a cross direction bounded by a first edge and a second edge, the web being adapted for travel upon the surface of the web conveying means (Fig. 1); a frame (Fig. 1; via frame 17); at least three lasers mounted upon the frame in an array across the web from the first edge to the second edge (Fig. 1; via 72B and 72C and column 9, lines 9-12; via laser dispenser 72B and 72C

Art Unit: 3721

are arranged across the web), the plurality of lasers being adapted for directing a beam of light upon the surface of the running web (2) to form severed portions that form a perforation in the cross direction of the web (Fig. 1); the perforation comprising severed portions and bonded portions in alternating sequence (Fig. 1; via perforation holes and non-perforation portions).

Regarding claim 13: in which the web is apportioned into a plurality of zones, wherein the plurality of lasers are provided in an array across the web from the first edge to the second edge, such that each successive laser in the array is adapted for providing a light beam upon a corresponding zone of the web (Figs. 1 and 3).

Regarding claim 14: in which at least seven zones are provided upon the web (Fig. 1; via many holes arranged on the web, therefore forming different rows and zones, column 9, lines 9-12).

Regarding claims 18-20 and 30-32: in which the web conveying means comprises an air foil, rollers and/or a carrier fabric (Figs. 1 and 5-7).

Regarding claims 21 and 33: in which the lasers provide light beams upon the web at an angle that deviates from the cross direction, but results in a severed portion that is oriented in the cross direction (Figs. 1 and 3; via with respect to different laser dispenser 72A, 72B, and 72C can be consider as providing the laser upon the web at an angle).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3721

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders et al. (4,672,168).

Saunders does not disclose that the speed of travel of the web upon the conveying means is greater than about 3,000 feet per minute, greater than about 3,500 feet per minute, nor greater than about 4,000 feet per minute. However, Saunders discloses that numerous other variations and modifications, all within the scope of the invention, will readily occur to those skilled in the art (column 9, lines 40-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Saunders's web speed traveling to be about 3,000, 3,500, and/or 4,000 feet per minute, in order to speed up the process of perforation and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

A handwritten signature in dark ink, consisting of a large, stylized 'S' followed by a horizontal line that tapers to a point on the right.

ST.